

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAMERON HAWKINS and	:	CIVIL ACTION NO. 2:16-CV-1719
AMBER LYNN DURBIN,	:	
Plaintiffs		(Chief Judge Conner)
:		
v.	:	
:		
SWITCHBACK MX, LLC d/b/a	:	
SWITCHBACK RACEWAY,	:	
Defendant		:

ORDER & JUDGMENT

AND NOW, this 12th day of September, 2018, upon consideration of the parties' cross-motions (Docs. 27, 31) for summary judgment, and the parties' briefs in support of and opposition to said motions, (Docs. 29, 33, 36, 38, 41), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Plaintiffs' motion (Doc. 27) for summary judgment is DENIED.
2. Defendant's motion (Doc. 31) for summary judgment is GRANTED as follows:
 - a. Judgment is ENTERED in favor of defendant and against plaintiffs on the negligence claims set forth in Counts I and II of plaintiffs' complaint.
 - b. The negligence *per se* claim set forth in Count III of plaintiffs' complaint is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania